

50T5474.01

**REPLACEMENT DRAWINGS**

Replacement sheets of drawings (3 sheets, FIGs. 1, 2 and 3) are attached hereto and labeled "REPLACEMENT SHEETS". The replacement sheets of drawings address problems cited by the draftsman, in form PTO-948 entitled "Notice of Draftsman's Patent Drawing Review."

50T5474.01

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### REMARKS

Claims 1-18 are currently pending in the application. After entry of this Amendment, claims 1-18 will remain pending in the application, claims 1, 7, and 14 having been amended. Consideration of this application in view of the foregoing amendments and the following remarks is respectfully requested.

### OBJECTIONS TO THE DRAWINGS

Replacement sheets of drawings (3 sheets, FIGs. 1, 2 and 3) are attached hereto and labeled "REPLACEMENT SHEETS". The replacement sheets of drawings address problems cited by the draftsman, in form PTO-948 entitled "Notice of Draftsman's Patent Drawing Review," and as such applicant respectfully requests withdrawal of the objections to the drawings.

### OBJECTIONS TO THE SPECIFICATION

The disclosure was objected to because of an informality. The noted informality, two consecutive instances of the phrase "ring tone" in paragraph [0008], has been corrected, and applicant respectfully requests withdrawal of the objection to the specification.

### REJECTIONS UNDER 35 USC Sec. 102

Claims 1-18 were rejected under 35 U.S.C. 102(e) as being anticipated by Zhao et al. (US 2004/0204135 A1) (hereinafter referred to as "Zhao").

Zhao discloses a multimedia editor for use within a wireless communication device, which is used to create original multimedia content from one or more stored multimedia content.

Amended independent claims 1, 7, and 14 are directed to, among other things, the defining of a ring tone file from a master audio recording file, where the ring tone file solely comprises a temporally contiguous portion of the master audio recording file.

Zhao does not teach or suggest defining a ring tone file comprising a temporally contiguous portion of a master audio recording file as called for in the independent claims

50T5474.01

of the present application. As defined in Wikipedia, at <http://en.wikipedia.org/wiki/Multimedia>, "multimedia" is a combination of content forms: text, audio, still images, animation, video, interactivity, which is consistent with the disclosure in Zhao that original multimedia content is created "using voice, singing, text, background sound, as well as music, graphics, image, audio, and video..." (see Abstract).

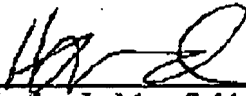
Accordingly, applicant respectfully submits that independent claims 1, 7, and 14 are patentable over the cited reference. Dependent claims 2-6, 8-13, and 15-18 are believed to be patentable over the cited art as depending from one or another of the independent claims, and as reciting additional patentably distinct limitations.

Applicant, therefore, submits that all claims are patentable over the cited references and that the application is in condition for allowance.

If a telephone conference would facilitate examination of this application in any way, the examiner is invited to contact applicant's attorney.

The examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,  
David Hughes, Applicant

By:   
Heather L. Mansfield, Attorney for Applicant  
Reg. No. 39,157

**Certificate of Facsimile Transmission**

I hereby certify that this document, and any document referenced herein or stated to be transmitted herewith, has been transmitted via facsimile to the US Patent and Trademark Office at 1-571-273-8300 on July 25, 2007.

Joanne Ryan  
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